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April 24, 2008

BY HAND

Honorable Lawrence M. McKenna
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

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IN CHAMBERS

APR 25 2008

Re: Malloy v. Nurse Administrator, et al.,
98 Civ. 7213 (LMM)

LAWRENCE M. MCKENNA
USDJ SDNY

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, recently assigned to the defense of the above referenced matter. Plaintiff filed his original complaint in this matter on October 14, 1998, alleging, *inter alia*, deliberate indifference to medical needs. The case spent years on Court's inactive docket, until Your Honor's September 4, 2007 order transferring this case to the active docket and granting plaintiff leave to amend his complaint by October 15, 2007. Plaintiff filed an amended complaint on October 24, 2007, adding more than 40 defendants. According the Court's docket sheet, service of the summons and amended complaint was accepted on behalf of thirteen defendants on November 7, 2007. This office has conducted an investigation to confirm the status of service and representation as to these defendants, and, in some cases to determine whether they are eligible to be represented by the Corporation Counsel. Accordingly, today defendants Harriinder Bhatti, Vanessa Jones, Lynn DeVivo, Roberto DeGuzman, Yonette Gilford, Francois Jeanty, and Jorge Villalobos have filed their answer to the amended complaint, a courtesy copy of which is enclosed for the convenience of the Court. On behalf of these defendants, I apologize to the Court for their delay in responding to the amended complaint, and respectfully request that the Court deem the answer filed today timely.

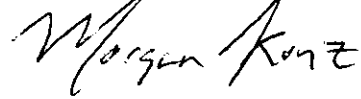
With regard to defendants Janet Runice, Sabrea, Yehom Kim, L. Thomas, J. Ahmes, and Gerard Auguste, while the docket sheet reflects that service of the summons and amended complaint was accepted on behalf of these individuals, this office has not been able to determine if they were properly served or if they are eligible for representation from the corporation counsel. This office will continue to investigate and will respond on behalf of individual defendants once it has been determined that they were served and are eligible for representation from this office.

Reviewed. So ordered.

LM
LMM 4/25/08

I thank the Court for its time and consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Morgan Kunz". The signature is fluid and cursive, with the first name "Morgan" and last name "Kunz" clearly distinguishable.

Morgan D. Kunz
Assistant Corporation Counsel
Special Federal Litigation Division

encl.

cc: Anthony Aioscapallo Malloy, Plaintiff *Pro Se*
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